



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 17, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

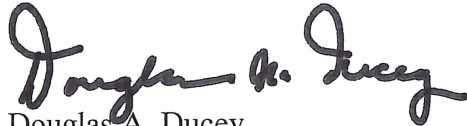
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 17, 2018:

HB 2040 pharmacy board; definitions; reporting (Carter)
HB 2041 pharmacy board; licenses; permits (Carter)
HB 2065 public meetings; definition; penalties (Leach)
HB 2125 task force; towing safety (Shope)
HB 2126 government property; abatement; slum; blight (Leach)
HB 2249 protective orders; filing requirements (Farnsworth, E.)
HB 2250 physician assistants; prescribing authority; delegation (Carter)
HB 2257 radiation regulatory boards; repeal; DHS (Carter)
HB 2262 condominiums; termination; appraisals (Toma)
HB 2306 towing companies; insurance companies; owners (Campbell)
HB 2313 sentencing; monetary obligations; fine mitigation (Farnsworth, E.)
HB 2322 health insurers; provider credentialing (Carter)
HB 2327 federal officers; personal information; confidentiality (Farnsworth, E.)
HB 2334 liquor omnibus (Weninger)
HB 2411 health professionals; licensure; report (Mosley)
HB 2521 vehicle size, weight and load (John)
HB 2549 controlled substances; dosage limit (Carter)
HB 2550 contractor qualifications; work experience (Toma)
HB 2558 drug disposal; education (Cobb)
HB 2588 misrepresentation; service animals (Cook)

HB 2604 limited liability company act; revisions
SB 1065 commercial vehicles; ports of entry (Brophy McGee)
SB 1120 tax exemption; special events; nonprofits (Kavanagh)
SB 1152 education; appropriation; noncustodial federal monies (Allen, S.)
SB 1218 developmental homes; licensure; investigations (Brophy McGee)
SB 1264 gift cards; dormancy fee; prohibition (Yarbrough)
SB 1274 public monies; recovery; illegal payments (Petersen)
SB 1291 schools; pupil assessment data (Brophy McGee)
SB 1295 producer fees; insurance (Kavanagh)
SB 1400 aggravated DUI; sentence; county jail (Smith)
SB 1450 independent oversight committees; appointment; duties (Barto)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 246

HOUSE BILL 2588

AN ACT

AMENDING SECTION 11-1024, ARIZONA REVISED STATUTES; RELATING TO SERVICE ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-1024, Arizona Revised Statutes, is amended to read:

11-1024. Service animals; rights of individuals with disabilities; violation; classification; fraudulent misrepresentation; civil penalty; definitions

A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:

1. The animal poses a direct threat to the health or safety of others.
2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
3. The animal poses an undue burden.
4. The animal is out of control and the animal's handler does not take effective action to control the animal.
5. The animal is not housebroken.

C. If a public place asks an individual to remove a service animal pursuant to subsection B of this section, the public place shall give the individual the opportunity to return and obtain goods, services or accommodations without the animal on the premises.

D. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit pets.

E. A service animal must be under the control of the service animal's handler.

F. A service animal's handler is liable for any damage done to a public place by the service animal or service animal in training.

1 G. Any trainer or individual with a disability may take an animal
2 being trained as a service animal to a public place for purposes of
3 training it to the same extent as provided in subsections A, B and D of
4 this section.

5 H. A zoo or wild animal park may prohibit a service animal,
6 including a dog guide or service dog, from any area of the zoo or wild
7 animal park where the service animal may come into direct contact with the
8 animals contained in the zoo or wild animal park. Service animals shall
9 not be excluded from public walkways or sidewalks or from any area that
10 allows for physical barriers between the service animals, dog guides or
11 service dogs and the animals in the zoo or wild animal park. Any zoo or
12 wild animal park that prohibits dog guides and service dogs shall provide
13 without cost adequate facilities for the temporary confinement of dog
14 guides and service dogs. The facilities shall be adequate to accommodate
15 the anticipated attendance of legally blind or deaf persons or persons
16 with physical disabilities, shall be in an area not accessible to the
17 general public, shall provide water for the dog guides and service dogs
18 and shall otherwise be safe, clean and comfortable. The zoo or wild
19 animal park on request by a legally blind person who is required to leave
20 that person's dog guide or service dog pursuant to this subsection shall
21 provide a sighted escort if the legally blind person is unaccompanied by a
22 sighted person.

23 I. The driver of a vehicle approaching a legally blind pedestrian
24 who is carrying a cane that is predominately white or metallic in color,
25 who is using a service animal or who is assisted by a sighted person shall
26 yield the right-of-way and take reasonable precautions to avoid injury to
27 the pedestrian and the service animal. The pedestrian has the same rights
28 as any other person whether or not the pedestrian is carrying the cane,
29 using a service animal or being assisted by a sighted person. Drivers
30 shall take the same precautions with respect to pedestrians who have a
31 disability other than blindness and their service animals. A driver who
32 violates this subsection is liable for damages for any injury caused to
33 the pedestrian or the service animal.

34 J. Any person or entity that violates subsection A, H or I of this
35 section is guilty of a class 2 misdemeanor.

36 K. A PERSON MAY NOT FRAUDULENTLY MISREPRESENT AN ANIMAL AS A
37 SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING TO A PERSON OR ENTITY THAT
38 OPERATES A PUBLIC PLACE. A COURT OR DULY APPOINTED HEARING OFFICER MAY
39 IMPOSE ON THE PERSON MISREPRESENTING THE ANIMAL IN VIOLATION OF THIS
40 SUBSECTION A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR
41 EACH VIOLATION.

42 ~~K~~ L. This section is not intended to affect any civil remedies
43 available for a violation of this section.

1 ~~t.~~ M. For the purposes of this section:

2 1. "Direct threat to the health or safety of others" means that a
3 significant risk to the health or safety of others exists and cannot be
4 eliminated by modification of policies, practices or procedures or by the
5 provision of auxiliary aids or services.

6 2. "Discriminate" means discriminatory actions prescribed in
7 section 41-1492.02 and includes:

8 (a) Refusing to permit an individual with a disability to enter a
9 public place with a service animal or interfering with the individual's
10 right to enter or use the public place.

11 (b) Failing to provide an individual with a disability the same
12 services and access to the same areas of the premises as afforded to
13 others.

14 (c) Attempting to impose a charge, fee or deposit because an
15 individual with a disability is accompanied by a service animal.

16 (d) Requiring an individual with a disability to disclose
17 ~~disability related~~ DISABILITY-RELATED information. However, a public
18 accommodation may ask if the animal is a service animal being used because
19 of a disability or what work or task the service animal has been trained
20 to perform.

21 (e) Requiring provision of identification for the service animal.

22 3. "Individual with a disability" means an individual who has a
23 physical or mental impairment that substantially limits one or more of the
24 major life activities of the individual.

25 4. "Public place" means any office or place of business or
26 recreation to which the general public is invited, whether operated by a
27 public or private entity and includes all forms of conveyance, including
28 taxis, tow trucks and ambulances.

29 5. "Service animal" means any dog or miniature horse that is
30 individually trained or in training to do work or perform tasks for the
31 benefit of an individual with a disability, including a physical, sensory,
32 psychiatric, intellectual or other mental disability. Service animal does
33 not include other species of animals, whether wild or domestic or trained
34 or untrained.

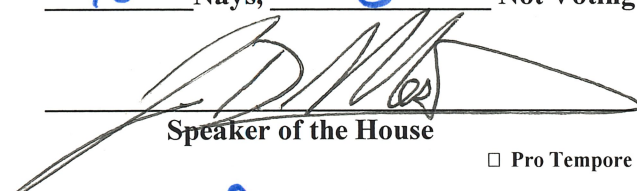
35 6. "Under the control of the service animal's handler" means the
36 service animal has a harness, leash or other tether, unless either the
37 handler is unable because of a disability to use a harness, leash or other
38 tether or the use of the harness, leash or other tether would interfere
39 with the service animal's safe and effective performance of work or tasks,
40 in which case the service animal must be otherwise under the handler's
41 control by voice control, signals or other effective means.

42 7. "Wild animal park" means an entity that is open to the public on
43 a regular basis, that is licensed by the United States department of
44 agriculture as an exhibit and that is operating primarily to conserve,
45 propagate and exhibit wild and exotic animals.

Passed the House February 21, 20 18

by the following vote: 50 Ayes,

10 Nays, 0 Not Voting


Speaker of the House

☐ Pro Tempore


Chief Clerk of the House

Passed the Senate April 5, 20 18

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

H.B. 2588

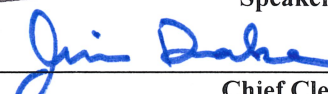
HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 11, 2018

by the following vote: 32 Ayes,

26 Nays, 2 Not Voting


Speaker of the House

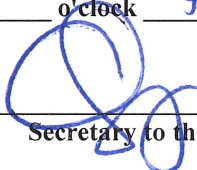

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2018

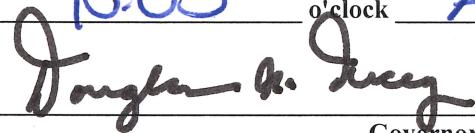
at 1:37 o'clock P. M.


Secretary to the Governor

Approved this 17th day of

April, 2018,

at 10:05 o'clock A. M.


Governor of Arizona

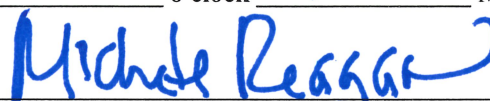
H.B. 2588

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 2018,

at 5:21 o'clock P. M.


Secretary of State